



HAND DELIVERED

#44

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vishnu K. Agarwal

Attorney Docket No.: 501082.03

Serial No. : 09/652,841

Confirmation No. : 4006

Filed : August 31, 2000

Group Art Unit : 2815

Examiner : Jose R. Diaz

Allowed : June 28, 2004

Issue Fee Paid : July 30, 2004

Title : DEVICE AND METHOD FOR PROTECTING AGAINST OXIDATION OF A
CONDUCTIVE LAYER IN SAID DEVICE

RECEIVED

OCT 07 2004

OFFICE OF PETITIONS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL FROM ISSUE (37 C.F.R. § 1.313(c)(2)) TO PERMIT
CONSIDERATION OF AN INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97)
IN A REQUEST FOR CONTINUED EXAMINATION (37 C.F.R. § 1.114)

Sir:

In accordance with 37 C.F.R. § 1.313(c)(2), Applicant hereby petitions the Office that the above-identified application be withdrawn from issue to permit consideration of an Information Disclosure Statement under 37 C.F.R. § 1.97 in the Request for Continued Examination (37 C.F.R. § 1.114) filed herewith. This application was allowed on June 28, 2004, and the issue fee was paid on July 30, 2004.

Applicant requests that the application be withdrawn from issue in favor of the Request for Continued Examination filed herewith. Applicant requests that the Office grant this Petition and consider the Request for Continued Examination and Information Disclosure Statement filed concurrent herewith.

10/06/2004 SDENB0B1 00000045 09652841

02 FC:1460

130.00 OP

Enclosed is a check in the amount of \$920 in accordance with CFR 1.17(e).

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1266. A copy of this Petition is enclosed.

Respectfully submitted,

DORSEY & WHITNEY LLP




Marcus Simon
Registration No. 50,258

Enclosures:

- Postcard
- Check
- Copy of this Petition
- Request for Continued Examination (+ copy)
- Information Disclosure Statement
- PTO Form 1449

1420 Fifth Avenue, Suite 3400
Seattle, WA 98101
Tel: (206) 903-8800
Fax: (206) 903-8820

 OFFICE OF PETITIONS TRANSMITTAL SHEET (FOR FY 2004)		Complete if Known																																																																																																																																																																													
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1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No.: <u>50-1266</u> ; Deposit Account Name: <u>DORSEY & WHITNEY LLP</u>		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - Late filing fee or oath</td><td>\$</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td>\$</td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td>\$</td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For Filing a Request for <i>ex parte</i> Reexamination</td><td>\$</td></tr> <tr><td>1804</td><td>920</td><td>1804</td><td>920</td><td>Requesting publication of SIR prior to Examiner action</td><td>\$</td></tr> <tr><td>1805</td><td>1,840</td><td>1805</td><td>1,840</td><td>Requesting publication of SIR after Examiner action</td><td>\$</td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td>\$</td></tr> <tr><td>1252</td><td>430</td><td>2252</td><td>215</td><td>Extension for reply within 2nd month</td><td>\$</td></tr> <tr><td>1253</td><td>980</td><td>2253</td><td>490</td><td>Extension for reply within 3rd month</td><td>\$</td></tr> <tr><td>1254</td><td>1,530</td><td>2254</td><td>765</td><td>Extension for reply within 4th month</td><td>\$</td></tr> <tr><td>1255</td><td>2,080</td><td>2255</td><td>1,040</td><td>Extension for reply within 5th month</td><td>\$</td></tr> <tr><td>1401</td><td>340</td><td>2401</td><td>170</td><td>Notice of Appeal</td><td>\$</td></tr> <tr><td>1402</td><td>340</td><td>2402</td><td>170</td><td>Filing a brief in support of an appeal</td><td>\$</td></tr> <tr><td>1403</td><td>300</td><td>2403</td><td>150</td><td>Request for oral hearing</td><td>\$</td></tr> <tr><td>1814</td><td>110</td><td>2814</td><td>55</td><td>Terminal Disclaimer Fee</td><td>\$</td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td>\$</td></tr> <tr><td>1453</td><td>1,370</td><td>2453</td><td>685</td><td>Petition to revive - unintentional</td><td>\$</td></tr> <tr><td>1501</td><td>1,370</td><td>2501</td><td>685</td><td>Utility/Reissue issue fee</td><td>\$</td></tr> <tr><td>1502</td><td>490</td><td>2502</td><td>245</td><td>Design issue fee</td><td>\$</td></tr> <tr><td>1503</td><td>660</td><td>2503</td><td>330</td><td>Plant issue fee</td><td>\$</td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td>\$130</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td>\$</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of IDS</td><td>\$</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>\$</td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td><td>\$ 790</td></tr> <tr><td colspan="5">Other fee (specify)</td><td>\$</td></tr> <tr><td colspan="5" style="text-align: right;">Subtotal (3)</td><td>\$920</td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - Late filing fee or oath	\$	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$	1053	130	1053	130	Non-English specification	\$	1812	2,520	1812	2,520	For Filing a Request for <i>ex parte</i> Reexamination	\$	1804	920	1804	920	Requesting publication of SIR prior to Examiner action	\$	1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action	\$	1251	110	2251	55	Extension for reply within first month	\$	1252	430	2252	215	Extension for reply within 2 nd month	\$	1253	980	2253	490	Extension for reply within 3 rd month	\$	1254	1,530	2254	765	Extension for reply within 4 th month	\$	1255	2,080	2255	1,040	Extension for reply within 5 th month	\$	1401	340	2401	170	Notice of Appeal	\$	1402	340	2402	170	Filing a brief in support of an appeal	\$	1403	300	2403	150	Request for oral hearing	\$	1814	110	2814	55	Terminal Disclaimer Fee	\$	1452	110	2452	55	Petition to revive - unavoidable	\$	1453	1,370	2453	685	Petition to revive - unintentional	\$	1501	1,370	2501	685	Utility/Reissue issue fee	\$	1502	490	2502	245	Design issue fee	\$	1503	660	2503	330	Plant issue fee	\$	1460	130	1460	130	Petitions to the Commissioner	\$130	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	\$	1806	180	1806	180	Submission of IDS	\$	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$	1801	790	2801	395	Request for Continued Examination (RCE)	\$ 790	Other fee (specify)					\$	Subtotal (3)					\$920
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Submitted by:

Name: Marcus Simon

Reg. No.: 50,258

Telephone: (206) 903-8800

Signature: *Marcus Simon*Date: *October 4, 2004*